

REMARKS

Reconsideration and allowance of the above referenced application are respectfully requested.

The patent office is thanked for citing the Dennis reference.

The objections to Claim 5 have been obviated herein by amendment.

Claim 9 stands rejected under 35 USC 112, second paragraph, as being indefinite. In response, the term "if necessary" has been removed from the claim.

Claims 18 and 20 stand rejected under 35 USC 102(e) as allegedly being anticipated by Garg. In response, Claim 18 has been amended to recite that the database is remote from both the manufacturers and the retailers. This obviates the rejection, since the point-of-sale sensor must be located at the position of the retailer.

Claims 19 and 20 should be patentable over Garg by virtue of their dependencies.

Claims 1-7 and 13-17 stand rejected under 35 USC 102(a) as allegedly being unpatentable over the American Demographics article written by Fetto in view of the Marketing Computers article written by Dennis, and further in view of Garg. Both the Demographics article and the Marketing Computer article are consistent: they describe websites which allow a user to place

an order in and pick it up at a retailer, or, alternatively, to ship. Nowhere is there any teaching or suggestion, however, of an inventory management system in the either Fetto or Dennis.

The rejection combines Garg, which does teach a form of inventory management system. However, there is no teaching or suggestion, nor anything that would in any way suggest that this kind of inventory management system should be added to the system as described in Demographics or Marketing Computers. In fact, this combination would produce significant advantages, and there is no teaching or suggestion of this in the cited prior art.

Claim 13 should be allowable over the cited prior art for analogous reasons. Nowhere is there any teaching or suggestion in the Demographics article or in the Marketing Computer article about anything having to do with inventory management.

Claim 16 should be allowable for analogous reasons. Claim 16, moreover, defines that the inventory management system sends the request to the retailer. This is further patentable over the cited prior art.

Claims 8-11 stand rejected over the Demographics article in view of the Marketing Computers article. These claims each depend from Claim 1, and hence should be allowable by virtue of their dependency as discussed above.

Claim 12 should similarly be allowable by virtue of its dependency.

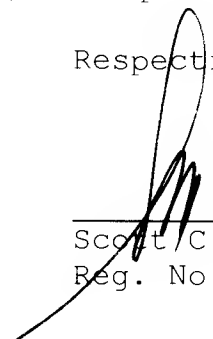
It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicants ask that all claims be allowed. Please apply the petition to revive fee in the amount of \$250, and any other applicable charges or credits, to Deposit Account No. 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

10/30/06

  
\_\_\_\_\_  
Scott C. Harris  
Reg. No. 32,030

Fish & Richardson P.C.  
PTO Customer No. 20985  
12390 El Camino Real  
San Diego, California 92130  
(858) 678-5070 telephone  
(858) 678-5099 facsimile  
10672387.doc